

BEFORE THE
DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

RAUL L. ALIAGA, P.A.)
P.A. No. 10596)

No. D-3056

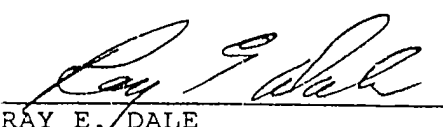
Respondent.)
_____)

ORDER DELAYING DECISION

Pursuant to section 11517(d) of the Government Code, the Physician's Assistant Examining Committee, finding that a further delay is required by special circumstances, hereby issues this order delaying the decision for no more than 30 days, from June 7, 1985 (when the 100-day period expires) to July 5, 1985.

The reasons for the delay are as follows: This case is on the agenda for discussion and decision at the next regularly scheduled meeting of the Physician's Assistant Examining Committee, set for June 13, 1985, which is six days after the expiration of the 100-day period of June 7, 1985. Therefore, the Committee needs additional time to meet and complete its work in this case, including time after the meeting to draft and type the appropriate pleading, and to effect service on the parties.

DATED: June 3, 1985


RAY E. DALE
Executive Officer
Physician's Assistant
Examining Committee

BEFORE THE
DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

RAUL L. ALIAGA, P.A.
512 North Court Street
Visalia, CA

P.A. No. 10596
Primary Care Physician's Assistant

Respondent.

No. D-3056

OAH No. N-22399

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Physician's Assistant Examining
Committee as its Decision in the
above-entitled matter.

This Decision shall become effective on July 18, 1985.

IT IS SO ORDERED June 18, 1985.



FRED CAGLE
Chairperson

BEFORE THE
DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

RAUL L. ALIAGA, P.A.)
512 North Court Street)
Visalia, CA)

No. D-3056

OAH No. N-22399

P. A. No. 10596)
Primary Care Physician's)
Assistant)

Respondent.)

PROPOSED DECISION

This matter came on for hearing before Muriel Evens, Administrative Law Judge of the Office of Administrative Hearings, State of California in Visalia, California, on March 4 - 6, 1985.

Complainant was represented by Joel S. Primes, Deputy Attorney General.

Respondent was represented by James A. Wainwright, Attorney at Law.

Evidence was received, the record was closed, and the matter was submitted.

The Administrative Law Judge certifies this decision and recommends its adoption.

FINDINGS OF FACT

I

Respondent was issued physician's assistant certificate, P.A. number 10596, on December 6, 1979. He practiced in Visalia from 1980 to the present, generally remote from the supervising physician, but in communication by telephone several times daily.

II

Respondent exceeded the scope of authority as a primary care physician's assistant and engaged in the practice of medicine at the San Joaquin Medical Clinic, 512 North Court Street, Visalia, California, on the following patients as is more specifically set forth below:

<u>Date</u>	<u>Patient</u>	<u>Medical Procedure</u>
July 1981	Eloisa F.	Insert I.U.D.
July 1981	Irene J.	Removal of I.U.D.
May 1982	Irene J.	Prescription for ampicillin
March 1981	Rosie R.	Removal of I.U.D.
January 1981	Teresa P.	Insert I.U.D.

III

It was not established that respondent inserted an I.U.D. in Teena P. or Katie H. It was not established that respondent removed an I.U.D. from Teena P. It was not established that respondent circumcised Raul P.

IV

It was not established that respondent failed to wear a badge identifying himself as a physician's assistant.

V

Respondent wrote drug prescriptions on forms of the San Joaquin Medical Clinic, as set forth on Exhibit A attached hereto and incorporated as if fully set forth herein.

VI

Respondent was a practicing physician in Peru until his immigration to the United States in 1973. He had received post-graduate training in Peru in obstetrics and gynecology. Respondent inserted and removed I.U.D.'s under the direction and/or with the authorization of each of his supervising physicians, in Orange Cove and in Visalia. In each case, the supervising physician, and respondent believed it was lawful for respondent to perform the procedures.

VII

Each of the prescriptions set forth in Schedule A had been authorized by respondent's supervising physician. Respondent did not understand he could not authorize a written prescription.

VIII

In early 1982, prior to any notice of a Board of Medical Quality Assurance investigation, it was brought to respondent's attention, through an unrelated matter, that he was not authorized to insert or remove I.U.D.'s or to write prescriptions, even with prior prescription approval by the supervising physician. Respondent ceased engaging in those activities at that time.

DETERMINATION OF ISSUES

Findings of Fact II and V, and each of them, establish clear and convincing evidence of grounds for discipline pursuant to Business and Professions Code Section 3527(a) and Title 16, California Administrative Code Section 1399.523.

ORDER

Respondent's physician's assistant certificate is revoked. However, the revocation is stayed and respondent placed on probation for five years under the following terms and conditions:

1. Within 90 days of the effective date of this decision, respondent shall appear for an initial interview with a designee of the Physician Assistant Examining Committee (PAEC).
2. Respondent shall submit reports to the PAEC or its designee, in the form of a written letter or in person at quarterly, biannual or annual interviews as deemed appropriate by the PAEC.
3. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.
4. In the event respondent should leave California to reside or to practice outside the State, respondent must notify PAEC in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

5. Upon successful completion of probation, respondent's certificate will be fully restored.
6. If respondent violates probation in any respect, the PAEC, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the PAEC shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

Dated: March 15, 1985

Muriel Evans
MURIEL EVENS
Administrative Law Judge
Office of Administrative Hearings

EXHIBIT A

<u>Date</u>	<u>Drug</u>	<u>Patient</u>
12/1/80	APC & Codeine #3, #30	Margie F.
12/12/80	Darvocet-N-50, #30	Henry P.
12/13/80	Serax 15 mg. #60	Sherry C.
12/22/80	Lomotil 2 oz.	Mary F.
1981		
1/2/81	APAP & Codeine #3, #30	Rosie R.
1/3/81	APC & Codeine #2, #30	Billy F.
1/3/81	Serax 15 mg. #30	Sherry C.
1/13/81	Promethazine & Codeine 8 oz.	Pedro V.
1/15/81	Phenergan & Codeine 8 oz.	Jesus A.
1/16/81	APC & Codeine #2, #30	Billy F.
1/17/81	Ativan 1 mg. #30	Loretta A.
1/19/81	Phenergan & Codeine 6 oz.	Sara M.
1/21/81	Phenergan & Codeine 8 oz.	Juanita B.
1/21/81	Promethazine & Codeine 8 oz.	Rosie R.
1/21/81	Pediacof Elixir 6 oz.	Henry S.
1/24/81	APC & Codeine #3, #12	Jose V.
1/26/81	Phenergan & Codeine 8 oz.	Santiago T.
2/3/81	Ativan 1 mg. #30	Santiago V.
2/7/81	Promethazine & Codeine 8 oz.	Michelle P.

2/9/81	APC & Codeine #3, 20	Billy F.
2/10/81	Phenergan & Codeine 3 oz.	Jesus A.
2/18/81	Phenobarbital 30 mg. #30	Jesus R.
2/18/81	Tussionex 2 oz. Benadryl 25 mg. #90	Eleanor C.
2/20/81	Tussionex 6 oz.	Pamela G.
2/26/81	Novahistine 3 oz.	Eleanor C.
2/27/81	Tussionex 4 oz.	David P.
2/28/81	APC & Codeine #2, #18	Rani P.
3/2/81	Serax 15 mg. #60	Sherry C.
3/5/81	Phenergan & Codeine 8 oz.	Eleanor C.
[REDACTED]		
3/24/81	Ativan 1 mg. #30	Cindy L.
3/24/81	Fastin 30 mg. #30	Cindy L.
3/26/81	APC & Codeine #3, #30	Loretta A.
4/1/81	Limbitrol (5-12-5) #30	Loreto R.
4/6/81	Fiorinal #30	Socorro N.
4/7/81	Serax 15 mg. #30	Cindy L.
4/8/81	Fastin 30 mg. #30	Mary S.
4/10/81	Serax 15 mg. #60	Sherry C.
4/13/81	Phenergan & Codeine 8 oz.	Rose B.
4/14/81	Promethazine & Codeine 8 oz.	Iydia O.
4/20/81	" " "	" "
4/20/81	Loxotil Elixer 6 oz.	Jacqueline M.
4/22/81	Loxotil Elixer 6 oz.	Encarnilla V.
4/28/81	Novahistine Exp 3 oz.	Luisa G.

4/29/81	Promethazine & Codeine 8 oz.	Esperanza H.
4/29/81	APC #3, #30	Billy F.
4/29/81	Limbital 5-12-5 #30	Esperanza H.
5/2/81	Dycomine 8 oz.	Joe M.
5/3/81	Ativan 1 mg. #20	Helva E.
5/15/81	Trilafon 4 mg. #30	Billy F.
5/15/81	APC #3, #30	Billy F.
5/26/81	APC #2, #12	Consuelo G.
5/28/81	Ativan 1 mg. #30	Felipe R.
6/5/81	Ativan 1 mg. #30	Amy M.
6/5/81	Phenobarbital 1/4 #30	Socorro H.
6/9/81	APC #2, #20	Jose V.
6/10/81	ASA Empirin #100	Jesus A.
6/15/81	Lomotil Elix 6 oz.	Juanita A.
6/15/81	APC #2, #18	Rosie R.
6/15/81	Fastin 30 mg. #30	Velma V.
6/19/81	APC #3, #30	Billy F.
6/27/81	Phenergan & Codeine 8 oz.	Leonel A.
6/29/81	Serax 10 mg. #30	Felipe R.
7/2/81	Lomotil	Linda H.
7/2/81	APC #2, 18	Elizabeth B.
7/3/81	Donnatal Elix 4 oz.	Francesca DeA.
7/3/81	Lomotil liquid 6 oz.	Francesca DeA.
7/3/81	Vag Cream	Delphina G.
7/3/81	Gantrisin 500 #60	Ema R.
7/3/81	Premarin #100	Ema R.

7/3/81	Benadryl 25 mg. #30	Berna R.
7/3/81	Serax 10 mg.	Paula G.
7/3/81	Limbitrol 5-12-5 #30	May H.
7/16/83	Fastin 30 mg. #30	Delina G.
7/21/81	Phenergan Exp & Cod. 8 Oz.	Juana Q.
7/23/81	Phenergan Exp & Cod. 8 oz.	Maria T.
7/23/81	APC #2, 18	Connie A.
7/24/81	APC #2, 12	Diane S.
7/24/81	APC #2, 18	Juana H.
7/31/81	Fastin 30 mg. #30	Cindy L.
8/1/81	Lomotil 4 oz.	Jose G. Jr.
8/13/81	Novahistine DH 4 oz.	Maria T.
8/13/81	APC #2, #20	Rosalina D.
8/18/81	Fiorinal #20	Rafael G.
8/21/81	Phenergan & Codeine 8 Oz.	Candelario L.
8/24/81	Darvon #30	Rosalina D.
9/4/81	APC #2, #12	Salvador A.
9/9/81	Limbitrol 5-12-5 #45	Angela B.
9/10/81	Novahistine DH 8 oz.	Isabel M.
9/21/81	Darvon 65 #18	Christine W.
9/25/81	APC #2, #20	Billy F.
9/25/81	Darvon - 65 #18	Candelario L.
9/29/81	APAP & Codeine #2, #20	Susan T.
10/5/81	Valium 10 mg. #18	Christine W.
10/5/81	Ionamin 15 mg. #30	Irene H.
10/8/81	Promethazine & Codeine 3 oz.	Lazara E.

10/8/81	Dalmane 15 mg. #20	Candelaria A.
10/15/81	Valium 10 mg. #18	Diane P.
10/15/81	Phenergan & Codeine 3 oz.	Eddy P.
10/16/81	Phenergan & Codeine 3 oz.	Don G.
10/19/81	APC #2, #12	Susan T.
10/21/81	Talwin 50 mg. #12	Daniel S.
10/22/81	APAP #2, #3	Isabel M.
10/26/81	Ionamin 15 mg. #30	Mike G.
11/1/81	Cholestyl 200 mg. #60	Rosie R.
11/1/81	Promethazine & Codeine 3 oz.	Rosie R.
11/2/81	Tussionex 8 oz.	Esperanza H.
11/6/81	Phenergan & Codeine 8 oz.	Alma E.
11/6/81	Promethazine & Codeine 8 oz.	Reynaldo H.
11/6/81	Limbitrol 5-12.5 #60	Philip E.
11/6/81	APC #2, #20	Heidi G.
11/12/81	APC #2, #8	Maria T.
11/12/81	Phenergan & Codeine 6 oz.	Jacqueline A.
11/12/81	Novahistine DH 8 oz.	Pablo L.
11/12/81	Novahistine DH 8 oz.	Calistro A.
11/12/81	Tussionex 8 oz.	Flores M.
11/14/81	Phenergan & Codeine 6 oz.	Guadalupe G.
11/27/81	Phenergan & Codeine 8 oz.	Bill L.
11/28/81	APC #2, #8	Juan V.
12/1/81	Phenobarbital 1/4 gr. #30	David T.
12/1/81	Dalmane 15 mg. #50	Maria L.
12/16/81	Piorinal #30	Maria H.
12/19/81	Novahistine DH 8 oz.	Martha G.

12/20/81	Phenergan & Codeine 8 oz.	Elba B.
12/21/81	Ionamine 15 mg. #30	Juanita G.
12/22/81	Fastin 30 mg. #30	Mike G.
12/23/81	Phenergan & Codeine 8 oz.	John H.
12/23/81	" " "	Rodolfo T.
12/24/81	" " 6 oz	Ana Z.
12/28/81	" " 8 oz	Manuel B.

1982

1/2/82	APC #2, #18	Irene H.
1/4/82	Ativan 1 mg. #30	Joel R.
1/7/82	Promethazine & Codeine 8 oz.	Shirley M.
1/7/82	Ionamin 15 mg. #30	Anna P.
1/7/82	APC #2, #18	Richard M.
1/8/82	Ativan 1 mg. #20	Raul A.
1/9/82	Lomotil 4 oz.	Ann G.
1/9/82	APC #2, #18	Deborah M.
1/11/82	Fiorinal #21	Rosario T.
1/11/82	Limbitrol 5-12-5 #60	Roberto S.
1/13/82	Dalmane 15 mg. #30	Cora O.
1/14/82	Phenergan & Codeine 8 oz.	Dorothy R.
1/15/82	Phenergan & Codeine 8 oz.	Esther H.
1/15/82	" " 6 oz.	Veronica G.
1/15/82	" " "	Alicia E.
1/16/82	Fiorinal #30	Elisiano Z.
1/18/82	Phenergan & Codeine 8 oz.	Antonio A.
1/18/82	Novahistine DH 8 oz.	Vicente G.
1/21/82	Ionamin 15 mg. #30	Cindy L.

17

1/21/82	APC #2, #30	Moreto R.
1/21/82	Limbitrol 5-17.5 #90	Patrice R.
1/21/82	Phenergan & Codeine 8 oz.	Laurie G.
1/23/82	" " "	Arturo E.
1/23/82	Florinal #20	Leona E.
1/25/82	Phenergan & Codeine 8 oz.	Lola C.
1/25/82	Novahistine Exp 8 oz.	Ralph A.
1/26/82	APC #2, #30	Maria G.
1/26/82	Phenergan & Codeine 6 oz.	Arenillas M.
1/26/82	APC #2, #16	Bona E.
1/27/82	APC #2, #20	Tina A.
1/29/82	Phenergan & Codeine 7 oz.	Dixie A.
2/2/82	Promethazine & Codeine 8 oz.	Pilar G.
2/2/82	Novahistine DH 3 oz.	Delma E.
2/3/82	Phenergan & Codeine 8 oz.	Maria H.
2/3/82	Promethazine & Codeine 8 oz.	Cindy L.
2/4/82	Ativan #30	Joel R.
2/5/82	Promethazine & Codeine 8 oz.	Frank L.
2/5/82	APC #2, #18	Frank L.
2/5/82	Dalmane 15 mg. #30	Rebecca G.
2/6/82	Phenergan & Codeine 8 oz.	Fabiola D.
2/9/82	Promethazine & Codeine 8 oz.	Thomas A.
2/10/82	" " "	Esther S.
2/11/82	" " "	Annabel C.
2/12/82	Phenergan & Codeine 8 oz.	Mary A.
2/16/82	" " 6 oz.	Ann R.
2/16/82	" " 8 oz.	Fabiola D.

2/17/82	Ionamin 15 mg. #30	Garis M.
2/17/82	Phenergan & Codeine 8 oz.	Juan O.
2/17/82	APC #2, #12	Edith S.
2/18/82	Liabitol 5-12.5 #30	Lorene D.
2/20/82	Promethazine & Codeine 6 oz.	Josiah A.
2/23/82	" " 8 oz.	Vivian V.
2/24/82	Phenergan & Codeine 8 oz.	Isabella R.
2/25/82	APC #2, #8	Maria B.
2/26/82	Dalmane #20	Joe T.
3/3/82	APC #2, #12	Ethel R.
3/5/82	Phenergan & Codeine 4 oz.	Juanita O.
3/10/82	" " 8 oz.	Alejandro D.
3/13/82	" " 6 oz.	Della S.
3/17/82	Tennate Dorsan #100	Betty Lou G.
3/18/82	Promethazine & Codeine 6 oz.	Barateno R.
3/19/82	" " 8 oz.	Rosie R.
3/20/82	Phenergan & Codeine 6 oz.	Juliana A.
3/20/82	APC #2, #12	Heziah A.
3/22/82	Phenergan & Codeine 6 oz.	Julie T.
3/23/82	" " 8 oz.	George P.
3/23/82	Tussionex 6 oz	Esperanza B.
3/26/82	Phenergan & Codeine 8 oz.	Samuel G.
3/26/82	" " 6 oz.	Rudolph V.
3/29/82	Promethazine & Codeine 6 oz.	Cruz C.
3/29/82	Phenergan & Codeine 4 oz.	Edilian S.
3/30/82	APC #2, #12	Billy S.
3/30/82	Phenergan & Codeine 8 oz.	Eudora M.

3/31/82 Novakistine DM 8 oz. Juanita A.
 3/31/82 APC #2. 100 Lyle B.
 3/31/82 Librium 10 mg. 430 Lyle B.
 4/1/82 Phenorgan & Codeine 6 oz. Francisco P.
 4/1/82 " " " Sonia C.
 5/24/82 Tussionex 6 oz. Aurora H.